



January 26, 2005

## SENATE BILL No. 70

DIGEST OF SB 70 (Updated January 19, 2005 4:07 pm - DI ta)

**Citations Affected:** IC 35-46; noncode.

**Synopsis:** Neglect of a fetus. Provides that a woman who is pregnant and knowingly or intentionally introduces into her body a controlled substance without a valid prescription commits neglect of a fetus, a Class D felony.

**Effective:** July 1, 2005.

**Drozda**

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

January 25, 2005, amended; reassigned to Committee on Corrections, Criminal, and Civil Matters.

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SB 70—LS 6202/DI 13+



January 26, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 70

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-46-1-4.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 4.5. (a) As used in this section, "controlled substance"**  
4 **means a controlled substance listed in schedule I, II, III, IV, or V**  
5 **in IC 35-48-2.**

6       **(b) A woman who:**

7       **(1) is pregnant;**

8       **(2) knowingly or intentionally introduces into her body a**  
9 **controlled substance; and**

10       **(3) does not have:**

11       **(A) a valid prescription; or**

12       **(B) an order of a practitioner (as defined in IC 35-48-1-24)**  
13 **acting in the course of the practitioner's professional**  
14 **practice;**

15       **for the controlled substance;**

16 **commits neglect of a fetus, a Class D felony.**

17       **(c) This section does not apply to an abortion performed in**

SB 70—LS 6202/DI 13+



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1 **compliance with IC 16-34.**  
2 **SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-46-1-4.5, as**  
3 **added by this act, applies only to acts committed after June 30,**  
4 **2005.**

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 70 and that Senator Drozda be substituted therefor.

GARTON

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## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 70, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

(Reference is to SB 70 as introduced.)

GARTON, Chairperson

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